

# STANDARDS COMMITTEE HEARING PANEL

## Agenda Item 3

Brighton & Hove City Council

<b>Subject:</b>	<b>Hearing of Complaint Against a Councillor for failing to comply with the Code of Conduct - Exempt Category 1</b>		
<b>Date of Meeting:</b>	<b>20 December 2011</b>		
<b>Report of:</b>	<b>Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Liz Woodley</b>	<b>Tel: 291509</b>
	<b>Email:</b>	<b>Liz.woodley@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report deals with a complaint that Councillor Barnett has failed to comply with the Members' Code of Conduct.

#### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine the complaint that Councillor Barnett has failed to comply with the council's Code of Conduct.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 5 July 2011 Councillor MacCafferty made a complaint about the conduct of Councillor Barnett in regard to newspaper articles that appeared in the Argus concerning Travellers.
- 3.2 The Standards Assessment Panel referred the complaint for investigation by the Monitoring Officer having considered that the conduct, if proven, would amount to a breach of the following provision of the Code of Conduct:-

Paragraph 3(1): You must treat others with respect.

Paragraph 3(2)(a): You must not do anything which may cause your authority to breach any of the equality enactments.

Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

- 3.3 The Standards Consideration Panel considered the report at a meeting on 28 November 2011. Without making any finding that there had been a failure to comply with the Code, it determined that the matter should be considered at a meeting of the Hearing Panel in relation to Paragraph 5. That meeting should be

conducted in accordance with the council's adopted procedure for Local Determination Hearings. A copy of that procedure is included with the agenda papers (Item 2(d)).

3.4 The Investigating Officer's report is attached as Appendix 1. He concluded that there had been a breach of paragraph 5, but no breach of Paragraphs 3(1) and 3(2)(a).

3.5 In accordance with the agreed procedures, a pre-hearing summary will be produced and provided in advance of the Hearing Panel's meeting to the complainant, the subject member, members of the panel and the Investigating Officer. The summary is meant to highlight areas of agreement and disagreement between the subject member and the Investigating Officer.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

4.1 There has been no consultation on this report. None is envisaged by the council's Local Determination Hearings procedures.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

5.1 There are none.

*Finance Officer Consulted: Anne Silley*

*Date: 12/12/11*

##### Legal Implications:

5.2 The Local Government Act 2000 and the Standards Committee (England) Regulations 2008 set out a framework for dealing with complaints that members may have breached the Code of Conduct. By virtue of section 57A (6) of the 2000 Act, the Standards Board is entitled to issue guidance with respect to the conduct of investigations and hearings. The council's procedures have been drawn up having regard to that guidance, and this complaint has been processed in accordance with those procedures.

*Lawyer Consulted: Liz Woodley*

*Date: 12/12/11*

##### Equalities Implications:

5.3 There are no direct equalities implications arising from this report.

##### Sustainability Implications:

5.4 There are no sustainability implications arising from this report.

##### Crime & Disorder Implications:

5.5 There are no crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 There are no risk or opportunity management implications arising from this report.

Public Health Implications:

- 5.7 There are no public health implications arising from this report.

Corporate / Citywide Implications:

- 5.8 There are no corporate/citywide implications arising from this report.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Investigating Officer's report together with appendices.
2. Pre-hearing summary (to be circulated).
3. Draft Minutes of the Consideration Panel held on the 28<sup>th</sup> November 2011.

**Documents in Members' Rooms**

1. None

**Background Documents**

1. None

